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10/635,485	08/07/2003	Alejandro Wiechers	200207415-1	1068

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EXAMINER
MILIA, MARK R

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 12-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 12-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 8/17/07 and has been entered and

made of record. Currently, claims 1-5 and 12-28 are pending.

Claim Rejections - 35 USC § 101

2.   Applicant's cancellation of claims 6-10 has overcome the rejection set forth in the

previous Office Action. Therefore the rejection has been withdrawn.

Response to Arguments

3.   Applicant's arguments filed 8/17/07 have been fully considered but they are not

persuasive.

Applicant asserts that Kemp (US 2002/0078160) fails to disclose "receiving at the

designer location from the print service provider location real time configuration

information regarding a print production device at the print service provider location", or

"creating at the designer location a high performance file using the real time

configuration information from the print service provider location, the high performance

file comprising the digital file that represents the image to be printed and processing

instructions that indicate how a print job associated with the high performance file is to

be processed", and "verifying at the print service provider location tat the print job will be

processed at the print service provider location as indicated by the processing

instructions contained in the high performance file, and if not, correcting the high

performance file to ensure processing substantially as designed". The examiner

respectfully disagrees as Kemp does disclose such features. Particularly, Kemp states

that a host computer (client/@ home user), a print shop (service provider), and a portal

are communicatively connected via a network, such as the Internet. Within the print

shop a plurality of printers are connected to a server, the server communicating with

both the plurality of printers, the portal, and the host computer (client). Kemp also

states that after receiving a job ticket (processing instructions) from the client the

service provider server consults a look-up table containing all of the various capabilities

of the print shop. In the construction of the look-up table each printer must submit its

capabilities to the server. The result of the consultation is sent back to the client for

approval or in the case that a failure message is sent, the client can submit a new

request (job ticket) with different printing parameters, thereby correcting the job ticket.

Kemp further states that the client print driver renders the print job and sends it to the

spooler. The job ticket is sent to the service provider without the actual print job, which

stays in the spooler at the client, until a response is received from the service provider

as to whether or not the print job can be processed. Thus, Kemp discloses receiving at

the designer location from the print service provider location real time configuration

information regarding a print production device at the print service provider location,

creating at the designer location a high performance file using the real time

configuration information from the print service provider location, the high performance

file comprising the digital file that represents the image to be printed and processing

instructions that indicate how a print job associated with the high performance file is to

be processed, and verifying at the print service provider location tat the print job will be

processed at the print service provider location as indicated by the processing

instructions contained in the high performance file, and if not, correcting the high

performance file to ensure processing substantially as designed.

Therefore, the rejection as set forth in the previous Office Action is maintained.

Newly added claims 12-28 will be addressed below.

Claim Rejections - 35 USC § 102

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.   Claims 1-5, 12, 14, 20-23, and 26 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent Application Publication No. 2002/0078160 to Kemp et al.

Regarding claim 1, Kemp discloses a method, program, and system of managing

workflow in a commercial printing environment including a designer location and a print

service provider location, said method comprising: creating at the designer location a

digital file that represents an image to be printed (see paragraphs 35-36), receiving at

the designer location from the print service provider location real time configuration

information regarding a print production device at the print service provider location (see

Figs. 1 and 3 and paragraphs 43, 55-58, 60-62, 69-71, and 84-87), creating at the

designer location a high performance file using the real time configuration information

from the print service provider location, the high performance file comprising the digital

file that represents the image to be printed and processing instructions that indicate how

a print job associated with the high performance file is to be processed (see Figs. 3 and

4 and paragraphs 36, 43, 48, 52-58, 60-62, 69, and 84-87), submitting the high

performance file from the designer location to the print service provider location via an

electronic network (see Figs. 4 and 10 and paragraphs 52-58 and 84-87), verifying at

the print service provider location that print the print job will be processed at the print

service provider location as indicated by the processing instructions contained in the

high performance file and, if not, correcting the high performance file to ensure

processing substantially as designed (see paragraphs 84-87), and performing at the

print service provider location automated printing on a digital printer using, if created,

the corrected high performance file, else using the verified high performance file (see

paragraphs 40-41 and 64).

Regarding claim 20, Kemp discloses a system for managing workflow in a

commercial printing environment, said system comprising: a designer location

configured to: create a digital file that represents an image to be printed (see

paragraphs 35-36), receive from a print service provider location real time configuration

information regarding a print production device at the print service provider location (see

Figs. 1 and 3 and paragraphs 43, 55-58, 60-62, 69-71, and 84-87), create a high

performance file using the real time configuration information from the print service

provider location, the high performance file comprising the digital file that represents the

image to be printed and processing instructions that indicate how a print job associated

with the high performance file is to be processed (see Figs. 3 and 4 and paragraphs 36,

43, 48, 52-58, 60-62, 69, and 84-87), and submit the high performance file to the print

service provider location via an electronic network (see Figs. 4 and 10 and paragraphs

52-58 and 84-87), and a print service provider location configured to: verify that the print

job will be processed at the print service provider location as indicated by the

processing instructions contained in the high performance file and, if not, correct the

high performance file to ensure processing substantially as designed (see paragraphs

84-87), and perform automated printing on a digital printer using, if created, the

corrected high performance file, else using the verified high performance file (see

paragraphs 40-41 and 64).

Regarding claims 2 and 21, Kemp further discloses wherein verifying comprises

performing automated remote printing setup (see paragraphs 84-87).

Regarding claims 3 and 22, Kemp further discloses wherein performing

automated printing comprises performing automated printing in accordance with printing

instructions contained within the high performance file (see paragraphs 48, 52-58, 69-

72, and 85-87).

Regarding claims 4 and 23, Kemp further discloses wherein correcting includes

reading printing instructions prepared at the designer location and contained within the

high performance file, and preparing appropriate corresponding instructions for the

digital printer at the print service provider location (see paragraph 84).

Regarding claim 5, Kemp further discloses wherein correcting further comprises

updating a job ticket corresponding to the high performance file (see paragraphs 69 and

84-85).

Regarding claim 12, Kemp further discloses wherein verifying comprises

automatically ensuring the digital file and instruction files are contained within the high

performance file (see paragraphs 84-87).

Regarding claims 14 and 26, Kemp further discloses wherein verifying comprises

automatically checking to see if there are any errors in the high performance file that

would prevent the print job from being completed properly (see paragraphs 84-87).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 15, 17-19, 24, and 27-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kemp as applied to claims 1 and 20 above, and further in view of U.S

Patent Application Publication No. 2003/0090713 to Saito.

Regarding claims 15 and 27, Kemp does not disclose expressly wherein correcting the high performance file comprises adding missing instructions or revising instructions contained within the high performance file to account for changes in equipment.

Saito discloses wherein correcting the high performance file comprises adding missing instructions or revising instructions contained within the high performance file to account for changes in equipment (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 17, Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new finishing setup and change finishing instructions contained in the high performance file.

Saito discloses wherein correcting the high performance file comprises performing a new finishing setup and change finishing instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 18, Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new packaging setup and change packaging instructions contained in the high performance file.

Saito discloses wherein correcting the high performance file comprises performing a new packaging setup and change packaging instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 19, Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new shipping setup and change shipping instructions contained in the high performance file.

Saito discloses wherein correcting the high performance file comprises performing a new shipping setup and change shipping instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 24, Kemp does not disclose expressly wherein the print service provider location is configured to automatically correct the high performance file by updating a job ticket corresponding to the high performance file.

Saito discloses wherein the print service provider location is configured to automatically correct the high performance file by updating a job ticket corresponding to the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 28, Kemp does not disclose expressly wherein the print service provider location is configured to correct the high performance file by performing at least one of a new imposition setup, a new finishing setup, a new packaging setup, and a new shipping setup and change instructions contained in the high performance file.

Saito discloses wherein the print service provider location is configured to correct the high performance file by performing at least one of a new imposition setup, a new finishing setup, a new packaging setup, and a new shipping setup and change instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Kemp & Saito are combinable because they are from the same field of endeavor, printing based on printer capabilities.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the correcting of a print job by updating a job ticket with new

finishing or other options, as described by Saito, with the system of Kemp.

The suggestion/motivation for doing so would have been to ensure that a print

job is executed by a printing device even if certain print options/settings cannot be

performed by the printing device so that the user will still obtain some form of printed

output.

Therefore, it would have been obvious to combine Saito with Kemp to obtain the

invention as specified in claims 15, 17-19, 24, and 27-28.

8.   Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kemp as applied to claims 1 and 20 above, and further in view of U.S. Patent

Application Publication No. 2004/0218201 to Lermant et al.

Kemp does not disclose expressly wherein verifying comprises automatically

checking to see if a digital printer selected at the designer location is available.

Lermant discloses wherein verifying comprises automatically checking to see if a

digital printer selected at the designer location is available (see Fig. 2 and paragraph

32).

Kemp & Lermant are combinable because they are from the same field of

endeavor, printing based on printer capabilities.

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the checking to see if a printer is available, as described by

Lermant (and which is well known and commonly used in the art), with the system of
Kemp.

The suggestion/motivation for doing so would have been to ensure printing
actually takes place, thereby increasing system efficiency and saving time.

Therefore, it would have been obvious to combine Lermant with Kemp to obtain
the invention as specified in claims 13 and 25.

9.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp as
applied to claim 1 above, and further in view of U.S. Patent Application Publication No.
2002/0116439 to Someshwar et al.

Kemp discloses correcting the high performance file (see paragraphs 84-87)

Kemp does not disclose expressly wherein correcting the high performance file
comprises performing a new imposition setup to change imposition instructions
contained in the high performance file.

Someshwar discloses print options, such as job imposition (see paragraphs 18
and 21).

Kemp & Someshwar are combinable because they are from the same field of
endeavor, printing based on printer capabilities.

At the time of the invention, it would have been obvious to a person of ordinary
skill in the art to combine the imposition options, as described by Someshwar, with the
system of Kemp.

The suggestion/motivation for doing so would have been to enable correction of any print option set by a user to avoid wasting time and increase system efficiency.

Therefore, it would have been obvious to combine Someshwar with Kemp to obtain the invention as specified in claim 16.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
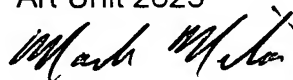
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
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MRM

TWYLER LAMB
SUPERVISORY PATENT EXAMINER